

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**BAPTIST HEALTH NURSING AND  
REHABILITATION CENTER, INC.**

**and**

**Cases 03-CA-153365  
03-CA-160251**

**1199 SEIU UNITED HEALTHCARE  
WORKERS EAST**

**GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION  
OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46(a) of the Board's Rules and Regulations, Counsel for the General Counsel respectfully submits these Exceptions to the Decision of Administrative Law Judge Geoffrey Carter (ALJ), dated March 11, 2016, in the above-captioned cases.

**Exception 1:**

The ALJ's refusal to perform an explicit credibility analysis of the witnesses. (ALJD 8:21-23).<sup>1</sup>

**Exception 2:**

The ALJ's refusal to apply the rule articulated in *Alan Ritchey*, 359 NLRB No. 40 (2012), with respect to the suspension and termination of Carmel Sparks and Yadira Lambert. (ALJD 10:1-7).

**Exception 3:**

The ALJ's refusal to make a finding regarding the discretionary nature of the disciplines issued to Carmel Sparks and Yadira Lambert. (ALJD 8:37-38).

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<sup>1</sup> References to the Administrative Law Judge's Decision (ALJD) will consist of page numbers followed by line numbers.

**Exception 4:**

The ALJ's refusal to make a finding regarding whether an administrative suspension qualifies as a disciplinary suspension. (ALJD 8:37-38).

**Exception 5:**

The ALJ's failure to analyze and order an appropriate remedy, including reinstatement and backpay, for Respondent's violations of Section 8(a)(1) and (5) of the Act by suspending and terminating Carmel Sparks and Yadira Lambert without providing the Union notice and opportunity to bargain prior to imposing the discretionary suspensions and discharges. (ALJD 10:20).

**Exception 6:**

The ALJ's failure to require that Respondent reimburse Carmel Sparks and Yadira Lambert for search-for-work and work-related expenses regardless of whether they received interim earnings for a particular quarter. (ALJD 10:20).

**DATED** at Buffalo, New York, this 8th day of April, 2016.

/s/Jessica L. Noto  
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